

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1443 of 1999

in

SPECIAL CIVIL APPLICATION No 3239 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT
and
Hon'ble MR.JUSTICE D.P.BUCH

- =====
1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

MOHMEDMIYA HUSSENMIYA MALEK

Versus

STATE OF GUJARAT

Appearance:

MR KS ACHARYA for Appellant
Mr V M Pancholi for M/S PATEL ADVOCATES for Respondent No. 1
NOTICE SERVED for Respondent No. 2
NANAVATI ASSOCIATES for Respondent No. 6, 7

CORAM : MR.JUSTICE J.N.BHATT
and
MR.JUSTICE D.P.BUCH

Date of decision: 15/11/2000

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

Admitted. Mr V M Pancholi, learned AGP waives service of notice of admission.

We have heard the learned Advocate for the appellant and the learned AGP. We have examined the facts emerging from the record of the case in this LPA under Clause 15 of the Letters Patent. The challenge is against the order of the learned Single Judge recorded in Special Civil Application no.3239/99 on 24.9.1999, whereby, the petition came to be dismissed on the ground that -

- (i) The petition is filed in respect of termination of service of some employees other than the petitioner in the petition;
- (ii) If the termination of the service is illegal in any manner, the same can be challenged before the appropriate forum under the Industrial Disputes Act;
- (iii) The petition is too vague to be entertained and the relief as prayed for are too vague to be granted.

2. The affidavit filed on behalf of the respondent goes to show that the matter is pending before the Government of Gujarat for consideration of the proposal of sanction under section 25(N) of the Industrial Disputes Act, as earlier it was processed by the concerned officer and it has been reported to the Labour Commissioner vide letter dated 8.6.2000, that all the employees have resumed their duty. It is also reported that insofar as, industrial peace is concerned, it very much prevails and no need for any legal action.

3. After having heard and considering the facts, we do not find any justification in interference with the impugned order. However, since the State of Gujarat has received the proposal for the sanction of prosecution, it is the grievance of Mr Acharya, learned Advocate for the appellant that the said process pending should be directed to be completed within a time frame. Obviously, in such matter, it is advisable to entertain such a proposal on merits expeditiously. It is, therefore,

observed, by dismissing this appeal that the respondent State of Gujarat will consider and decide the proposal of the applicant, as early as possible, preferably within three months from today in accordance with law. With these observations, this appeal is dismissed. No order as to costs.

15.11.2000 [J N Bhatt, J.]

msp

[D P Buch, J.]